

**17.175 Centralized database for DNA identification records -- Penalty for unlawful use of database.**

- (1) A centralized database of DNA (deoxyribonucleic acid) identification records for convicted criminals, crime scene specimens, missing persons, and close biological relatives of missing persons shall be established in the Department of State Police under the direction, control, and supervision of the State Police forensic laboratory. The established system shall be compatible with the procedures set forth in a national DNA identification index to ensure data exchange on a national level.
- (2) The purpose of the centralized DNA database is to assist federal, state, and local criminal justice and law enforcement agencies within and outside the Commonwealth in the identification, detection, or exclusion of individuals who are subjects of the investigation or prosecution of sex-related crimes, violent crimes, or other crimes and the identification and location of missing and unidentified persons.
- (3) The Department of State Police forensic laboratory shall receive, analyze, and classify samples of blood received from the Department of Corrections in compliance with KRS 17.170 and this section, and samples from other sources, and shall file the DNA results in the centralized databases for identification and statistical purposes.
- (4) Records produced from the samples shall be used only for law enforcement purposes and shall be exempt from the provisions of KRS Chapter 61.
- (5) A person whose DNA profile has been included in the data bank pursuant to this chapter may request expungement on the grounds that the felony conviction on which the authority for including the DNA profile was based, has been reversed and the case dismissed. The Department of State Police shall expunge all identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt of:
  - (a) A written request for expungement pursuant to this section; and
  - (b) A certified copy of the court order reversing and dismissing the conviction.
- (6) The Department of State Police forensic laboratory shall promulgate administrative regulations necessary to carry out the provisions of the DNA database identification system to include procedures for collection of DNA samples and the database system usage and integrity.
- (7) Any person who disseminates, receives, or otherwise uses or attempts to use information in the database, knowing that such dissemination, receipt, or use is for a purpose other than authorized by law, shall be guilty of a Class A misdemeanor.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 154, sec. 9, effective July 15, 2002. -- Created 1992 Ky. Acts ch. 175, sec. 2, effective July 14, 1992.

**Legislative Research Commission Note** (5/1/2003). KRS 17.177 (2002 Ky. Acts ch. 154, sec. 11) provides that "actual compliance with the provisions of [KRS 17.175 and four other KRS sections] may be delayed until funding is available for their full implementation. . . . As a section is implemented, the Reviser of Statutes shall be notified by the Secretary of Justice, in writing, as to the date of implementation."

In a letter dated April 15, 2003, the Secretary of the Justice Cabinet notified the Reviser of Statutes that KRS 17.175 and the other four KRS sections have been implemented, effective May 1, 2003.